

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JIA SHENG,

Plaintiff(s),

v.

MTBANK CORPORATION, et al.,

Defendant(s).

***Hon. Hugh B. Scott***

1:12-cv-01103-WMS-HBS

***Scheduling Order***

Pursuant to the order of the Hon. William M. Skretny, this case was referred to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) of the Local Rules of Civil Procedure for the Western District of New York. A scheduling conference having been held with counsel, it is ORDERED THAT:

1. All motions to join other parties and to amend the pleadings shall be filed on or before ***February 28, 2013***.
2. This case has been referred automatically to the Alternative Dispute Resolution (ADR) program. The ADR Plan and related forms and information are available at [www.nywd.uscourts.gov](http://www.nywd.uscourts.gov) and the Court Clerks Office.
  - a. ***Within twenty eight (28) days of the entry of this Order***, the parties shall confer and select a mediator, confirm that the mediator is available, ensure that the mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court. If the parties fail to so stipulate, the Court shall appoint an ADR neutral.
  - b. Any motions to opt out of the ADR process shall be filed ***within fourteen (14) business days of the entry of this Order***.
  - c. The initial mediation session shall be held no later than ***April 26, 2013*** (or ***within 84 days*** after the scheduling conference).

d. The referral to mediation shall terminate on ***February 3, 2014***. In the event that settlement is not reached, the case will progress toward trial, as scheduled below.

e. ***The referral of this case to mediation will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial.***

3. All discovery in this case shall conclude on ***July 30, 2013***. All motions to compel shall be due at least ***30 days prior*** to that discovery cutoff date.

4. The plaintiff shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than ***June 3, 2013***; the defendant shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than ***July 18, 2013***. See Rule 26 of the Local Rules for the Western District of New York as amended effective December 1, 1994. All expert discovery shall be completed on or before ***July 30, 2013***.

5. In the event settlement is not effectuated through mediation, dispositive motions, if any, shall be filed no later than ***October 31, 2013***.

6. In the event no dispositive motions are filed, the parties shall file a status report to the Court (ideally jointly) no later than ***November 25, 2013, showing cause why the parties should not appear before Chief Judge William M. Skretny for the purpose of placing this case on the trial calendar.*** If all parties indicate in the status report that the case is ready for trial, the status conference discussed below shall be considered cancelled and the parties are hereby directed to contact the Chambers of Chief Judge William M. Skretny to arrange for a Final Pretrial Conference and trial date.

7. A status conference shall take place before the undersigned at the Robert H. Jackson United States Courthouse, 2 Niagara Square, Buffalo, New York on ***January 8, 2014 at , 02:15 PM***, to discuss the readiness of this case for trial. Following the status conference before the undersigned, the parties will be directed to contact the Chambers of Chief Judge William M. Skretny to arrange for a Final Pretrial Conference and trial date.

8. No extension of the above cutoff dates will be granted except upon written joint motion, filed prior to the cutoff date, showing good cause for the extension.

Counsel's attention is directed to Fed. R. Civ. P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

Buffalo, New York  
January 29, 2013

/s/ Hugh B. Scott  
United States Magistrate Judge  
Western District of New York